

1 Attorney:

2  
3 Address:

4  
5  
6 Phone Number:

7 Fax Number:

8 Marlene Hardison

9 (Signature)

10  
11 Marlene Hardison

12 (Printed or typed Name)

13  
14  
15 (Entity, if any, on whose  
16 behalf you are appearing)

17  
18 (Address)

19 (Telephone number)

**WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS**

TO: Susan L. Schneider, attorney for the United States of America

1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.

2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER – DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.

3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.

4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 6-18-06

Dennis E. Harrell  
Signature

DENNIS E. HARRELL  
Printed/Typed Name

If you are acting on behalf of any entity, identify that you are  
acting as: \_\_\_\_\_ of  
(Title)

\_\_\_\_\_  
(Corporate, Trust, Partnership or other entity)

**Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons**

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

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TO: Susan L. Schneider, attorney for the United States of America

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Date: 6/18/06

Linda J. Harrell  
Signature

Linda J. Harrell  
Printed/Typed Name

If you are acting on behalf of any entity, identify that you are  
acting as: \_\_\_\_\_ of  
(Title)

\_\_\_\_\_  
(Corporate, Trust, Partnership or other entity)

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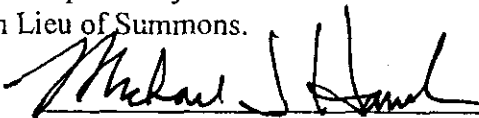
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Date: 7/11/2006



Signature

Michael J. Hawkins

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: \_\_\_\_\_ of (Title)

\_\_\_\_\_  
(Corporate, Trust, Partnership or other entity)

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An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

WALKER RIVER PAIUTE TRIBE,

Plaintiff-Intervenor,

vs.

WALKER RIVER IRRIGATION DISTRICT,  
a corporation, et al.,

IN EQUITY NO. C-125

SUBFILE NO. C-125-B

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE

1. I hereby enter my appearance in this sub-proceeding in this case.

2. I am filing this document with the District Court at the following address:

Chief Deputy Clerk  
United States District Court for the  
District of Nevada  
400 South Virginia Street, Suite 301  
Reno, Nevada 89501

3. In the envelope provided for return of my Waiver of Service of Notice in Lieu of  
Summons, I am mailing a copy of this document to:

Susan L. Schneider  
Attorney for the United States of America  
United States Department of Justice  
Environment & Natural Resources Division  
P.O. Box 756  
Littleton, Colorado 80160

4. I (or the entity on whose behalf I am acting) will retain all defenses or objections  
to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect  
in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

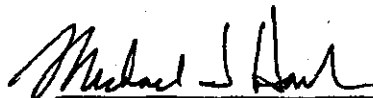
5. If I (or the entity on whose behalf I am acting) have retained an attorney to represent  
me in these proceedings, I identify that attorney below, along with his or her mailing address,  
telephone number, and facsimile number:

1 Attorney:

2  
3 Address:

4  
5  
6 Phone Number:

7 Fax Number:

8 

9 (Signature)

10  
11 Michael J. Hawkins

12 (Printed or typed Name)

13  
14  
15 (Entity, if any, on whose  
16 behalf you are appearing)

17 7928 Cynthia St.

18 La Mesa, CA 91941

19 (Address)

20 619-697-4395

21 (Telephone number)

**WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS**

TO: Susan L. Schneider, attorney for the United States of America

1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.

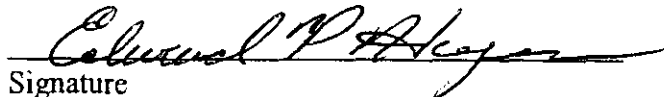
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3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.

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Date: 2/18/06

  
Signature

EDWARD P HAYES  
Printed/Typed Name

If you are acting on behalf of any entity, identify that you are  
acting as: \_\_\_\_\_ of  
(Title)

\_\_\_\_\_  
(Corporate, Trust, Partnership or other entity)

**Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons**

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

WALKER RIVER PAIUTE TRIBE,

Plaintiff-Intervenor,

vs.

WALKER RIVER IRRIGATION DISTRICT,  
a corporation, et al.,

IN EQUITY NO. C-125

SUBFILE NO. C-125-B

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE

1. I hereby enter my appearance in this sub-proceeding in this case.
2. I am filing this document with the District Court at the following address:  
Chief Deputy Clerk  
United States District Court for the  
District of Nevada  
400 South Virginia Street, Suite 301  
Reno, Nevada 89501
3. In the envelope provided for return of my Waiver of Service of Notice in Lieu of

Summons, I am mailing a copy of this document to:

Susan L. Schneider  
Attorney for the United States of America  
United States Department of Justice  
Environment & Natural Resources Division  
P.O. Box 756  
Littleton, Colorado 80160

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5. If I (or the entity on whose behalf I am acting) have retained an attorney to represent me in these proceedings, I identify that attorney below, along with his or her mailing address, telephone number, and facsimile number:



Attorney:

Address:

Phone Number:

Fax Number:

Edward P. Hays

(Signature)

EDWARD PHAYE

(Printed or typed Name)

(Entity, if any, on whose  
behalf you are appearing)

50 SHARON DR  
WELLINGTON, NV 894

(Address)

408-446-4069

(Telephone number)

**WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS**

TO: Susan L. Schneider, attorney for the United States of America

1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.

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Date:

7-12-06

Signature

MARCO HEFNER

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are  
acting as: \_\_\_\_\_ of  
(Title)

\_\_\_\_\_  
(Corporate, Trust, Partnership or other entity)

**Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons**

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Date: 7-12-06

Tom Heppner  
Signature

TOM HEPPNER  
Printed/Typed Name

If you are acting on behalf of any entity, identify that you are  
acting as: \_\_\_\_\_ of  
(Title)

\_\_\_\_\_  
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Date: 1-4-06

Elizabeth A. Herner  
Signature

ELIZABETH A. HERNER  
Printed/Typed Name

If you are acting on behalf of any entity, identify that you are  
acting as: \_\_\_\_\_ of  
(Title)

\_\_\_\_\_  
(Corporate, Trust, Partnership or other entity)

**Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons**

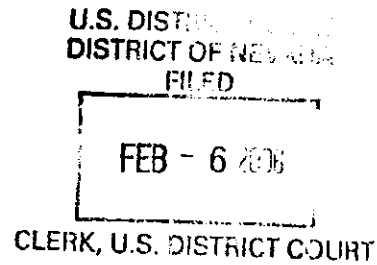
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January 30, 2006

Linda Lea Sharer, Chief Deputy Clerk  
United States District Court for the District of Nevada  
400 South Virginia Street, Suite 301  
Reno, Nv. 895501



Susan L. Schneider  
United States Department of Justice  
P.O. Box 756  
Littleton, Co. 80160

RE: Disclaimer of Interest in Water Rights and Notice of Related Information  
And Documentation Supporting Disclaimer

James P. Herner (Deceased 6-18-04)  
Elizabeth A. Herner, Spouse

We sold our water rights when we relocated to California. Enclosed are the following:

1. Death Certificate of James P. Herner
2. Certificate #12646 - Permit 26360 showing us as owners of 9.6 acre-feet  
issued by the Division of Water Resources in Carson City, Nv.
3. Water Rights Deed showing transfer of water rights to:  
Donna K. And Thomas E. Hustace  
9 Grand View Lane  
Wellington, Nevada 89444 3 acre feet
4. Water Rights Deed showing transfer of water rights to:  
Donna K. And Thomas E. Hustace  
9 Grand View Lane  
Wellington, Nevada 89444 0.6 acre feet
5. Water Rights Deed showing transfer of water rights to:  
William Brandstetter  
(No address available) 4.0 acre feet

6. Page 3 of Escrow Instructions from Title Insurance and Escrow of Yerrington, Nevada, when the property we owned was sold, when we relocated to Ca. due to the deteriorating health of my husband, to:

Frank E. And Randi Hunnewill  
13 Siegel Court  
Wellington, Nevada 89444

2.0 acre feet

TOTAL ACRE FEET

9.6 ACRE FEET

Since we no longer have an interest in these water rights, it is my hope that our names will be removed from the Lawsuit.

Thank you.

---

James P. Herner, deceased 6-18-04

  
Elizabeth A. Herner

P.O. Box 893685  
Temecula, Ca. 92589

951/926-0465

FEB - 6 2006

CLERK U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

1 UNITED STATES OF AMERICA, )  
2 )  
3 Plaintiff, ) In Equity No. C-125-ECR  
4 ) Subfile No. C-125-B  
5 WALKER RIVER PAIUTE TRIBE, )  
6 )  
7 Plaintiff-Intervenor, )  
8 )  
9 v. )  
10 )  
11 WALKER RIVER IRRIGATION )  
12 DISTRICT, )  
13 a corporation, et al., )  
14 )  
15 Defendants. )

16 The undersigned counter-defendant in the above action hereby notifies the Court and the  
17 United States that the undersigned (or the entity on whose behalf the undersigned is acting) has  
18 no interest in any water right within the categories set forth in Paragraph 3 of the *Case*  
19 *Management Order* (Apr. 18, 2000) and, therefore, **disclaims all interest in this action.**

20 This disclaimer and notice shall be sent to the following two persons:

21 Linda Lea Sharer, Chief Deputy Clerk  
22 United States District Court for the District of Nevada  
23 400 South Virginia Street, Suite 301  
Reno, NV 89501

24 And

25 Susan L. Schneider  
26 United States Department of Justice  
27 P.O. Box 756  
28 Littleton, CO 80160

In addition, because the undersigned sold or otherwise conveyed ownership of all of the



1 water rights that the undersigned (or the entity on whose behalf the undersigned is acting) once  
2 owned before the undersigned was served with a Waiver of Service of Notice in Lieu of  
3 Summons or by a Notice in Lieu of Summons, the undersigned provides the following  
4 additional information:

5 1. The name and address of the party or parties who sold or otherwise conveyed  
6 ownership:

7 Name(s): *Edyabeth & James P. Herner*

8  
9 Street or P.O. Box: *P.O. Box 893685*

10  
11 Town or City: *Jamez*

12  
13 State: *Ca.*

14  
15 Zip Code: *92589*

16  
17 2. The name and address of each person or entity who acquired ownership

18  
19 Name(s): *See attached letter*

20  
21 Street or P.O. Box:

22  
23 Town or City:

24  
25 State:

26  
27 Zip Code:


1  
2  
3 3. Attached to or included with this notice is a copy of the (check appropriate  
4 box(es)):

- 5  
6 ☒ Deed  
7 ☐ Court Order  
8 ☐ Other Document.  
9

10 by which the change in ownership was accomplished.

11 4. The undersigned acknowledges that any person or entity who files a Disclaimer  
12 of Interest in this matter is ultimately responsible for the accuracy of this filing. Consequently,  
13 the undersigned acknowledges that any person or entity who files a Disclaimer of Interest, but,  
14 in fact, has water rights subject to this litigation, shall nevertheless be bound by the results of  
15 this litigation.

16 Executed this 1<sup>st</sup> day of February 2006

17  
18  
19  
20   
21 [signature of counter-defendant]

22  
23 ELIZABETH  
24 A. HERNER  
25  
26 [name of counter-defendant]  
27  
28

JAMES P. HERNER  
DECEASED

[name, if applicable, of person acting on  
behalf of counter-defendant]

[signature, if applicable, of person acting on  
behalf of Counter-Defendant]

[address]

[telephone number]

East a distance of 241.36 feet to the Southeast corner of said Easterly parcel; thence along the Southerly line of said parcel South 89°25'48" West a distance of 225.23 feet to the Southwest corner of said Easterly parcel; thence along the Westerly line of said Easterly parcel; North 0°02'01" West a distance of 491.55 feet to the point of beginning.

Said parcel as further delineated on Lyon County Record of Survey Map, recorded on to come as Document No. to come.

RESERVING THEREFROM, 7 acre feet of the 9 acre feet of stand alone underground water rights.

Showing title vested in:

FRANK E. HUNEWILL and RANDI HUNEWILL, husband and wife as Joint Tenants with the Right of Survivorship

free of encumbrances except:

1. ALL General and special taxes for fiscal year 2003-2004 AS REQUIRED BY LENDER
2. Assessments and/or Bonds not delinquent
3. Covenants, conditions, restrictions, rights of way, easements, and reservations of record, if any.
4. Items 2, 3 AND 4 as shown on your Amended Preliminary Title Report issued under this Escrow No. and dated as of July 11, 2003.
5. Deed of Trust to record in favor of Buyers Lender.

ADDITIONAL INSTRUCTIONS:

- A. Buyer and Seller each agree to pay 1/2 of all costs to Escrow, Title Insurance, Documents, Recording and Transfer Tax. Buyer agrees to pay all costs in connection with the financing.
- B. Deed to be prepared by Escrowee. Loan documents to be provided by Lender.
- C. This escrow is contingent upon those items listed in Buyers offer dated June 27, 2003. Buyer depositing all money and documents needed to close, into escrow, shall constitute a waiver of this contingency.
- D. Buyer agrees to comply with Lender's Fire and Flood Insurance requirements.
- E. Seller instructs Escrowee to report all terms of this sale to the Internal Revenue Service on form 1099-S.
- F. The water rights shown in the legal description are for reference purposes only and will not be included in the Policy of Title Insurance and no assurance of their existence, quantity, quality or allowable usage is either implied or expressed by their appearance therein. Escrowee will not be responsible for the transfer of any of said water or water rights to the Buyer, Buyer does hereby agree to handle said transfer outside of escrow, after close.

KENNY C. GUINN  
Governor

STATE OF NEVADA

R. MICHAEL TURNIPSEED, P.E.  
Director

HUGH RICCI, P.E.  
State Engineer



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES  
DIVISION OF WATER RESOURCES

123 W. Nye Lane, Suite 246  
Carson City, Nevada 89706-0818  
(775) 687-4380 • Fax (775) 687-6972  
<http://ndwr.state.nv.us>

December 24, 2002

RE: Permit 26360 (Certificate 12646)

James P. Herner and  
Elizabeth A. Herner  
PO Box 5  
Wellington, NV 89444

Dear Mr. and Mrs. Herner:

Please be advised that Permit 26360 (Certificate 12646) has been assigned to show **James P. Herner and Elizabeth A. Herner** as current owners of record of 9.6 acre-feet seasonally at a diversion rate of 0.1371 cubic feet per second.

The *Summary of Ownership* is enclosed for your reference. Confirmation of title transfer should not be construed to mean that the water rights are in good standing. This assignment reflects only the information that has been filed with this office and may be subject to amendment upon receipt of additional documentation.

If you have any questions, please contact this office at (775) 687-4381.

Sincerely,

*Tony Eng*  
Tony Eng  
Engineering Technician III

TE/ld

Enclosure: *Summary of Ownership*

*Based on \$1500/acre foot, .6 acre feet = \$900.*

Recording requested by:

When recorded, mail to:


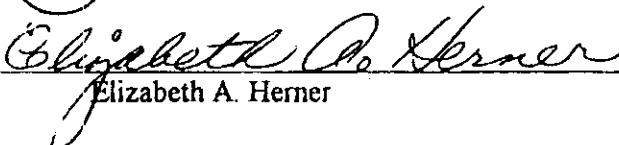
WATER RIGHTS DEED

THIS INDENTURE WITNESSETH: That for a valuable consideration, receipt is hereby acknowledged, James P. Herner and Elizabeth A. Herner (hereinafter referred to as "Grantor"), do hereby grant, bargain and sell to Donna K. Hustace and Thomas E. Hustace (hereinafter referred to as "Grantee"), all right, title and interest which Grantors have in and to 3.0 acre feet per annum of the following water right, to wit:

Application Number 26360, certificate Number 12646, as issued by the State Engineer of the State of Nevada, Division of Water Resources.

TO HAVE AND TO HOLD the said rights, together with the appurtenances, unto the said Grantee forever.

WITNESS my hand this 9<sup>th</sup> day of January, 2004.

  
James P. Herner  
  
Elizabeth A. Herner

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF RIVERSIDE )

On JANUARY 09, 2004, before me, a notary public, personally appeared James P. Herner, personally known or proved to me to be the person who executed the above instrument.

  
Notary Public



STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF RIVERSIDE )

On JANUARY 09, 2004, before me, a notary public, personally appeared Elizabeth A. Herner, personally known or proved to me to be the person who executed the above instrument.

  
Notary Public





Recording requested by:

When recorded, mail to:

### WATER RIGHTS DEED

THIS INDENTURE WITNESSETH: That for a valuable consideration, receipt is hereby acknowledged, James P. Herner and Elizabeth A. Herner (hereinafter referred to as "Grantor"), do hereby grant, bargain and sell to Donna K. Hustace and Thomas E. Hustace (hereinafter referred to as "Grantee"), all right, title and interest which Grantors have in and to 0.6 acre feet per annum of the following water right, to wit:

Application Number 26360, certificate Number 12646, as issued by the  
State Engineer of the State of Nevada, Division of Water Resources.

TO HAVE AND TO HOLD the said rights, together with the appurtenances, unto the said Grantee forever.

WITNESS my hand this \_\_\_\_\_ day of February , 2004.

---

James P. Herner

---

Elizabeth A. Herner

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF RIVERSIDE )

On \_\_\_\_\_, 2004, before me, a notary public, personally appeared James P. Herner, personally known or proved to me to be the person who executed the above instrument.

Notary Public

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) ss.

On \_\_\_\_\_, 2004, before me, a notary public, personally appeared Elizabeth A. Herner, personally known or proved to me to be the person who executed the above instrument.

Notary Public

Recording requested by:

When recorded, mail to:



### WATER RIGHTS DEED

THIS INDENTURE WITNESSETH: That for a valuable consideration, receipt of which is hereby acknowledged, James Herner and Elizabeth Herner (hereinafter referred to as "Grantor"), do hereby grant, bargain and sell to Bill Brandstetter (hereinafter referred to as Grantee"), all right, title and interest which Grantors have in and to 4.0 acre feet per annum of the following described water right, to wit:

Application Number 26360, certificate Number <sup>12646</sup>~~12464~~, as issued by the State Engineer of the State of Nevada, Division of Water Resources.

TO HAVE AND TO HOLD the said rights, together with the appurtenances, unto the said Grantee, and to the successors, heirs, and assigns of Grantee forever.

WITNESS my hand this 20 day of Nov, 2003

  
JAMES HERNER

WITNESS my hand this 20 day of Nov, 2003

  
ELIZABETH HERNER

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF RIVERSIDE )

On NOVEMBER 20, 2003, before me, a notary public, personally appeared James Herner, personally known or proved to me to be the person who executed the above instrument.

Christine D. Wixon  
Notary Public



STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF RIVERSIDE )

On NOVEMBER 20, 2003, before me, a notary public, personally appeared Elizabeth Herner, personally known or proved to me to be the person who executed the above instrument.

Christine D. Wixon  
Notary Public





1500 U.S. POSTAGE  
2712505-120 FEB 02 2006  
5408 PAID FROM ZIP CODE 92563

RETURN RECEIPT  
REQUESTED

Linda Lee Sharen  
Chief Deputy Clerk  
United States District Court for  
the District of Nevada  
400 South Virginia St. #301  
Reno, NV. 895501

Elizabeth Herrer  
PO Box 893685  
Temecula CA 92589-3685



7005 1160 0003 0307 5813

## CERTIFICATION OF VITAL RECORD

## COUNTY OF ORANGE

## HEALTH CARE AGENCY

1200 N. MAIN STREET, SUITE 100-A  
SANTA ANA, CA 92701

## CERTIFICATE OF DEATH

3 200430 009352

STATE FILE NUMBER		3 200430 009352	
1. NAME OF DECEASED - FIRST NAME		2. MIDDLE	
JAMES		P.	
3. LAST NAME		4. DATE OF BIRTH	
Herner		01/12/1942	
5. SEX		6. AGE	
M		62	
7. DATE OF DEATH		8. HOUR	
06/18/2004		0832	
9. MARITAL STATUS		10. DECEASED'S RACE	
Married		White	
11. EVER IN U.S. ARMED FORCES?		12. TYPE OF DEATH	
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		Natural	
13. EDUCATION		14. DECEASED'S OCCUPATION	
HS Graduate		Electrical Engineering Rocket Scientist	
15. DECEASED'S RESIDENCE		16. TYPE OF DEATH	
33605 Fields Dr.		Natural	
17. CITY		18. COUNTY	
Winchester		Riverside	
19. ZIP CODE		20. YEARS IN COUNTY	
92596		10	
21. STATE OR FOREIGN COUNTRY		22. DECEASED'S NAME	
CA		Elizabeth Herner	
23. DECEASED'S ADDRESS		24. DECEASED'S ADDRESS	
33605 Fields Dr Winchester CA 92596		33605 Fields Dr Winchester CA 92596	
25. NAME OF DECEASED'S SPOUSE		26. NAME OF DECEASED'S SPOUSE	
Elizabeth		Anne	
27. NAME OF DECEASED'S FATHER		28. NAME OF DECEASED'S FATHER	
Walter		Herner	
29. NAME OF DECEASED'S MOTHER		30. NAME OF DECEASED'S MOTHER	
Ruth		Arnold	
31. PLACE OF DEATH		32. PLACE OF DEATH	
St. Joseph Hospital		St. Joseph Hospital	
33. CITY		34. CITY	
Orange		Orange	
35. CAUSE OF DEATH		36. CAUSE OF DEATH	
Acute Coronary Syndrome		Acute Coronary Syndrome	
37. CAUSE OF DEATH		38. CAUSE OF DEATH	
Ischemic Heart Disease		Ischemic Heart Disease	
39. CAUSE OF DEATH		40. CAUSE OF DEATH	
Sepsis Syndrome, Acute Renal Failure		Sepsis Syndrome, Acute Renal Failure	
41. CAUSE OF DEATH		42. CAUSE OF DEATH	
No		No	
43. SIGNATURE AND TITLE OF CERTIFIER		44. SIGNATURE AND TITLE OF CERTIFIER	
Joseph C. Preston M.D.		Joseph C. Preston M.D.	
45. SIGNATURE AND TITLE OF CERTIFIER		46. SIGNATURE AND TITLE OF CERTIFIER	
Joseph C. Preston M.D.		Joseph C. Preston M.D.	
47. SIGNATURE AND TITLE OF CERTIFIER		48. SIGNATURE AND TITLE OF CERTIFIER	
Joseph C. Preston M.D.		Joseph C. Preston M.D.	
49. SIGNATURE AND TITLE OF CERTIFIER		50. SIGNATURE AND TITLE OF CERTIFIER	
Joseph C. Preston M.D.		Joseph C. Preston M.D.	
51. SIGNATURE AND TITLE OF CERTIFIER		52. SIGNATURE AND TITLE OF CERTIFIER	
Joseph C. Preston M.D.		Joseph C. Preston M.D.	
53. SIGNATURE AND TITLE OF CERTIFIER		54. SIGNATURE AND TITLE OF CERTIFIER	
Joseph C. Preston M.D.		Joseph C. Preston M.D.	
55. SIGNATURE AND TITLE OF CERTIFIER		56. SIGNATURE AND TITLE OF CERTIFIER	
Joseph C. Preston M.D.		Joseph C. Preston M.D.	
57. SIGNATURE AND TITLE OF CERTIFIER		58. SIGNATURE AND TITLE OF CERTIFIER	
Joseph C. Preston M.D.		Joseph C. Preston M.D.	
59. SIGNATURE AND TITLE OF CERTIFIER		60. SIGNATURE AND TITLE OF CERTIFIER	
Joseph C. Preston M.D.		Joseph C. Preston M.D.	
61. SIGNATURE AND TITLE OF CERTIFIER		62. SIGNATURE AND TITLE OF CERTIFIER	
Joseph C. Preston M.D.		Joseph C. Preston M.D.	
63. SIGNATURE AND TITLE OF CERTIFIER		64. SIGNATURE AND TITLE OF CERTIFIER	
Joseph C. Preston M.D.		Joseph C. Preston M.D.	
65. SIGNATURE AND TITLE OF CERTIFIER		66. SIGNATURE AND TITLE OF CERTIFIER	
Joseph C. Preston M.D.		Joseph C. Preston M.D.	
67. SIGNATURE AND TITLE OF CERTIFIER		68. SIGNATURE AND TITLE OF CERTIFIER	
Joseph C. Preston M.D.		Joseph C. Preston M.D.	
69. SIGNATURE AND TITLE OF CERTIFIER		70. SIGNATURE AND TITLE OF CERTIFIER	
Joseph C. Preston M.D.		Joseph C. Preston M.D.	
71. SIGNATURE AND TITLE OF CERTIFIER		72. SIGNATURE AND TITLE OF CERTIFIER	
Joseph C. Preston M.D.		Joseph C. Preston M.D.	
73. SIGNATURE AND TITLE OF CERTIFIER		74. SIGNATURE AND TITLE OF CERTIFIER	
Joseph C. Preston M.D.		Joseph C. Preston M.D.	
75. SIGNATURE AND TITLE OF CERTIFIER		76. SIGNATURE AND TITLE OF CERTIFIER	
Joseph C. Preston M.D.		Joseph C. Preston M.D.	
77. SIGNATURE AND TITLE OF CERTIFIER		78. SIGNATURE AND TITLE OF CERTIFIER	
Joseph C. Preston M.D.		Joseph C. Preston M.D.	
79. SIGNATURE AND TITLE OF CERTIFIER		80. SIGNATURE AND TITLE OF CERTIFIER	
Joseph C. Preston M.D.		Joseph C. Preston M.D.	
81. SIGNATURE AND TITLE OF CERTIFIER		82. SIGNATURE AND TITLE OF CERTIFIER	
Joseph C. Preston M.D.		Joseph C. Preston M.D.	
83. SIGNATURE AND TITLE OF CERTIFIER		84. SIGNATURE AND TITLE OF CERTIFIER	
Joseph C. Preston M.D.		Joseph C. Preston M.D.	
85. SIGNATURE AND TITLE OF CERTIFIER		86. SIGNATURE AND TITLE OF CERTIFIER	
Joseph C. Preston M.D.		Joseph C. Preston M.D.	
87. SIGNATURE AND TITLE OF CERTIFIER		88. SIGNATURE AND TITLE OF CERTIFIER	
Joseph C. Preston M.D.		Joseph C. Preston M.D.	
89. SIGNATURE AND TITLE OF CERTIFIER		90. SIGNATURE AND TITLE OF CERTIFIER	
Joseph C. Preston M.D.		Joseph C. Preston M.D.	
91. SIGNATURE AND TITLE OF CERTIFIER		92. SIGNATURE AND TITLE OF CERTIFIER	
Joseph C. Preston M.D.		Joseph C. Preston M.D.	
93. SIGNATURE AND TITLE OF CERTIFIER		94. SIGNATURE AND TITLE OF CERTIFIER	
Joseph C. Preston M.D.		Joseph C. Preston M.D.	
95. SIGNATURE AND TITLE OF CERTIFIER		96. SIGNATURE AND TITLE OF CERTIFIER	
Joseph C. Preston M.D.		Joseph C. Preston M.D.	
97. SIGNATURE AND TITLE OF CERTIFIER		98. SIGNATURE AND TITLE OF CERTIFIER	
Joseph C. Preston M.D.		Joseph C. Preston M.D.	
99. SIGNATURE AND TITLE OF CERTIFIER		100. SIGNATURE AND TITLE OF CERTIFIER	
Joseph C. Preston M.D.		Joseph C. Preston M.D.	

Exhibit 94

## CERTIFIED COPY OF VITAL RECORDS

STATE OF CALIFORNIA  
COUNTY OF ORANGE

SS

DATE ISSUED

JUL 15 2004

\*001551556\*

This is a true and exact reproduction of the document officially  
registered and placed on file in the office of the VITAL RECORDS  
SECTION, ORANGE COUNTY HEALTH CARE AGENCY.MARK B. HORTON, M.D.  
HEALTH OFFICER  
ORANGE COUNTY, CALIFORNIA

This copy not valid unless prepared on engraved border displaying seal and signature of Registrar.



**WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS**

TO: Susan L. Schneider, attorney for the United States of America

1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.

2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER – DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.

3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.

4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: \_\_\_\_\_

JAMES PASSED  
AWAY 6-18-04.

Signature

JAMES P. HERNER

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are  
acting as: \_\_\_\_\_ of  
(Title)

\_\_\_\_\_  
(Corporate, Trust, Partnership or other entity)

**Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons**

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.



**WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS**

TO: Susan L. Schneider, attorney for the United States of America

1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.

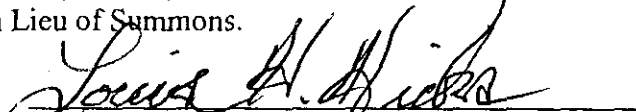
2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER – DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.

3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.

4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 06/12/06

  
Signature  
Louis H. Hicks  
Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: TRUSTEE of

(Title)  
Hicks Family Trust  
(Corporate, Trust, Partnership or other entity)

**Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons**

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

WALKER RIVER PAIUTE TRIBE,

Plaintiff-Intervenor,

vs.

WALKER RIVER IRRIGATION DISTRICT,  
a corporation, et al.,

IN EQUITY NO. C-125

SUBFILE NO. C-125-B

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE

1. I hereby enter my appearance in this sub-proceeding in this case.

2. I am filing this document with the District Court at the following address:

Chief Deputy Clerk  
United States District Court for the  
District of Nevada  
400 South Virginia Street, Suite 301  
Reno, Nevada 89501

3. In the envelope provided for return of my Waiver of Service of Notice in Lieu of  
Summons, I am mailing a copy of this document to:

Susan L. Schneider  
Attorney for the United States of America  
United States Department of Justice  
Environment & Natural Resources Division  
P.O. Box 756  
Littleton, Colorado 80160

4. I (or the entity on whose behalf I am acting) will retain all defenses or objections  
to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect  
in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

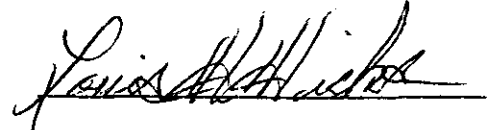
5. If I (or the entity on whose behalf I am acting) have retained an attorney to represent  
me in these proceedings, I identify that attorney below, along with his or her mailing address,  
telephone number, and facsimile number:

Attorney:

Address:

Phone Number:

Fax Number:

  
(Signature)

LOUIS H. HICKS  
(Printed or typed Name)

Hicks Family Trust  
(Entity, if any, on whose  
behalf you are appearing)  
Hicks Family Trust  
PO Box 479 Wellington NV  
(Address) 89444  
775-465-9502  
(Telephone number)

**WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS**

TO: Susan L. Schneider, attorney for the United States of America

1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.

2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER – DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.

3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.

4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 6-23-06

Carol Lee Hodges  
Signature

CAROL Lee Hodges  
Printed/Typed Name

If you are acting on behalf of any entity, identify that you are  
acting as: \_\_\_\_\_ of  
(Title)

\_\_\_\_\_  
(Corporate, Trust, Partnership or other entity)

**Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons**

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

**WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS**

TO: Susan L. Schneider, attorney for the United States of America

1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.

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3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.

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Date: 6-23-06

Donald Lee Hodges  
Signature

Donald Lee Hodges  
Printed/Typed Name

If you are acting on behalf of any entity, identify that you are  
acting as: \_\_\_\_\_ of  
(Title)

\_\_\_\_\_  
(Corporate, Trust, Partnership or other entity)

**Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons**

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TO: Susan L. Schneider, attorney for the United States of America

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Date: 11/17/06

Signature

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: TRUSTEE of

(Title)

TED O. AND MARIAN HUGHES FAMILY TRUST  
(Corporate, Trust, Partnership or other entity)

**Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons**

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An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.



**WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS**

TO: Susan L. Schneider, attorney for the United States of America

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3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.

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5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: July 17, 2006

Tony E. Hughes  
Signature

Tony E. Hughes  
Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: Trustee of

(Title)  
Tony & Sharon Hughes Family Trust  
(Corporate, Trust, Partnership or other entity)

**Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons**

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An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.



**WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS**

TO: Susan L. Schneider, attorney for the United States of America

1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.

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3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.

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Date: 4/2/06

  
Signature

William Lay-Tate  
Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: \_\_\_\_\_ of \_\_\_\_\_

(Title)  
William Lay-Tate of Jean T. Johnson  
(Corporate, Trust, Partnership or other entity)  
FAMILY TRUST

**Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons**

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An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

**THERE IS NO EXHIBIT 101.**

**WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS**

TO: Susan L. Schneider, attorney for the United States of America

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3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.

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Date: 7/20/06

Carolyn M. Kates

Signature

CAROLYN M. KATES

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: \_\_\_\_\_ of (Title)

\_\_\_\_\_  
(Corporate, Trust, Partnership or other entity)

**Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons**

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An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

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TO: Susan L. Schneider, attorney for the United States of America

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Date: 06.23.06

 TRUSTEE  TRUSTEE  
Signature

MICHAEL & KAREN KIRCHNER FAMILY TRUST  
Printed/Typed Name

If you are acting on behalf of any entity, identify that you are  
acting as: \_\_\_\_\_ of  
(Title)

\_\_\_\_\_  
(Corporate, Trust, Partnership or other entity)

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